

-19-

REMARKS

In response to the Office Action mailed on December 12, 2006, Applicant respectfully requests reconsideration. To further prosecution of this Application, Applicant submits the following amendments as well as remarks discussing patentability of rejected and newly added claims.

Claims 1-31 were previously pending in the subject Application. Claims 32-37 are being added by way of this amendment. Thus, after entry of this Amendment, claims 1-37 will be pending.

The following remarks address the rejections of claims 1-6, 13-21 and 28-31 as set out in the present Office Action and patentability of newly added claims 32-37. Applicant respectfully requests reconsideration.

Applicant encourages the Examiner to call the undersigned Attorney if the Examiner feels such a call would further prosecution of this application towards allowance.

Objection to Claims 7-12 and Claims 22-27

Applicants are appreciative of the Examiner's review of the pending claims and allowance of claims 7-12 and 22-27.

Rejection of Originally Submitted Claims under 35 U.S.C. §103(a)

Claims 1-6, 16-21 and 31 stand rejected under 35 U.S.C. §103(a) as being obvious over Zahavi et al., U.S. Patent No. 6,886,020 (hereinafter Zahavi) in view of Therrien et al., US Patent Application Pub. 2004/0093361A1 (hereinafter Therrien).

Applicants respectfully submit that claim 1 includes distinguishing limitations over the cited prior art. For example, claim 1 recites that a data

collection agent performs steps of "receiving a data collection policy identifying storage information to be collected concerning a set of storage entities in the storage area network environment; collecting storage information concerning the set of storage entities according to the data collection policy; processing the collected storage information to produce at least one summary record of the storage information for the set of storage entities, the at least one summary record containing a summary of the collected storage information for the set of storage entities calculated according to the data collection policy; and transferring the at least one summary record from the data collection agent to a storage management application for presentation to a user of the storage management application." Applicant respectfully traverses the rejections because none of the cited references, individually or in combination, teaches or suggests all of these claim limitations.

The Examiner submits that Zahavi discloses the first two claim limitations. Applicant respectfully submits that claim 1 includes limitations not taught or suggested by Zahavi.

For example, Figure 3 and corresponding text of Zahavi at column 7 lines 27-30 indicates that data manager component at collection manager 38 performs computations and builds archives according to a user specified policy. In response to commands sent from collection manager 38, the agent 30 in Zahavi provides corresponding data back to collection manager 38. In contradistinction to Zahavi, the claimed invention recites that the data collection agent (e.g., a software agent residing in a storage area network) receives the data collection policy specifying the information to be collected, produces a summary record, and transfers the summary record to a storage management application. Thus, the claimed invention indicates that the data collection policy is used by a different entity than as disclosed in Zahavi. In Zahavi, the policy is used by the collection manager (e.g., a central location) that initiates commands to receive

raw data from one or more agents. In the claimed invention, the policy is used by the agent to specify collection of data, alleviating a central manager the burden of communicating individual collection commands to the agent for collection of data. The agent, in turn, transfers the summary report to a storage management application for presentation to a user. As discussed below, Therrien also does not recite use of a collection policy at an agent.

Use of the data collection policy at the agent (as in the claimed invention) enables the agent to collect data and produce the summary record (e.g., a reduced set of data) as opposed to merely forwarding raw data to the storage manager application that would then have to process the collected data and produce a summary report. Because the agent collects data and produces the summary report, the agent according to the claimed invention can reduce how much traffic must be sent over a network from the agent to a collection manager that processes the data for presentations purposes.

Applicant respectfully submits that Therrien also does not teach or suggest the claim limitations which recite that the data collection agent supports the functions including receipt of a data collection policy, collection of data, and transferring of collected data as discussed above. The Examiner asserts that Therrien discloses the last two claim limitations of processing the collected storage information to produce a summary record and transferring of the summary record from the data collection agent to the storage management application for presentation to the user. Applicant agrees with the assertion that Figure 8 in Therrien discloses providing a summary report. However, this is not equivalent to what Applicant claims as the invention and the rejection is improper. In other words, the claimed invention includes limitations not taught or suggested by the cited prior art.

First, Therrien discloses use of a protection policy for protecting stored data. Protection parameters are described at paragraphs 53-60 in Therrien. There is no indication whatsoever in Therrien that the protection policy specifies how to collect data as recited by the data collection policy as in the claimed invention. For example, the protection policy in Therrien merely specifies how to protect already stored data. This is not equivalent or suggestive of the data collection policy as in the claimed invention.

Second, there is no indication whatsoever that the protection policy in Therrien (or policy in Zahavi) specifies how to produce or is used to produce the summary report. Figure 8 and corresponding text as cited by the Examiner merely indicates existence and display of the summary report, not use of the protection policy to create the summary report. For example, Figures 1-5 in Therrien indicate that the protection policy is used by the file servers to protect stored data. Mere creation and use of a summary report as in Figures 6-8 of Therrien is not equivalent or suggestive of the data collection policy as recited by the claimed invention. That is, there is no mention that the protection policy in Therrien specifies how to produce the summary report. Thus, Therrien also does not teach or suggest the claimed invention. For these two reasons alone, Therrien does not provide any relevant new teachings for combining with Zahavi to render the claimed invention obvious.

Moreover, similar to the discussion above with respect to Zahavi, note further that Therrien also does not teach or suggest the claim limitations that a data collection agent supports functions such as receipt of a data collection policy, collection of data, creation of a summary record, and transferring of the summary record to a storage management application. For example, as shown in Figure 2 and corresponding text of Therrien at paragraphs 49 and 50, a file system uses the protection policy for protecting stored data, not collecting data as in the claimed invention. The file system does not produce the summary

report or transferring of the summary report to a manager application for display purposes.

In Therrien, each file system includes a so-called node manager 70 that is responsible for collecting asset, status, capacity, and performance data for a respective fileserver node or repository node (See ¶¶ 95-96). The node manager 70 in Therrien can submit the collected data to an LDAP directory for later presentation to administrators via a web-based user interface. (See ¶¶ 97-99) However, as mentioned above, the collected data submitted by the Node Manager does not use the protection policy to identify which data to collect nor does the node manager 70 produce a summary record according to the protection policy. Thus, Therrien does not teach the claimed step of processing collected storage information to produce a summary record containing a summary of the collected storage information calculated according to a data collection policy. In addition, since the Node Manager is not agent and does not produce a summary record, it does not perform the step of transferring the summary record from the agent to a storage management application as in the claimed invention.

For the reasons stated above, Applicant submits that claim 1 is patentably distinct and advantageous over the cited prior art, and the rejection of claim 1 under 35 U.S.C. §103(a) should be withdrawn. Accordingly, allowance of claim 1 is respectfully requested. If the rejection of claim 1 is to be maintained, Applicant respectfully requests that it be pointed out with particularity where the cited prior art discloses or suggests all of the claim limitations as disputed above.

Because claims 2-15 depend from and further limit claim 1 (and that claim 1 is in condition for allowance), Applicant submits that claims 2-15 are also in allowable condition.

-24-

Applicant respectfully submits that independent claim 16 includes similar patentable distinctions over the cited prior art as claim 1. Thus, Applicant respectfully requests allowance of independent claim 16 and corresponding dependent claims 17-30.

Applicant respectfully submits that independent claim 31 includes similar patentable distinctions over the cited prior art as claim 1. Thus, Applicant respectfully requests allowance of independent claim 31.

Dependent Claim 13-15

The Examiner has rejected claims 13-15 and 28-30 under 35 U.S.C. §103(a) as being obvious over Zahavi in view of Therrien, and in view of Gusler et al., U.S. Patent No. 6,938,057, (hereinafter Gusler).

Applicant contends that the claimed invention includes limitations not taught or suggested by the cited prior art. For example, each of claims 13-15 recites “applying averaging functions to the storage information related to the sizes and ages of files and directories within the files and directories.”

The Examiner cites Gusler at column 8 line 8, which reads as follows:

With reference again to step 700, if log entries are present, a determination is made as to whether log removal is to occur (step 712). This log removal step may be employed to remove log entries or log files when these log entries or files are older than some selected date or over a certain size. If log removal is to occur, the log entries are removed according to whatever policy has been employed (step 714). This policy can be based on the age of the log entries or the size of the log (i.e., number or entries), or by other factors. Thereafter, the process proceeds to step 702 as described above. The process also proceeds to step 702 if log entry removal is not to occur in step 712. (Emphasis Added)

The Examiner seems to contend that the above passage in Gusler discloses the limitation of applying averaging functions as in the claimed invention. Applicant respectfully disagrees. Removal of a log entry based on its age or size is not equivalent or suggestive of the above claim limitation. For example, Gusler indicates that removal (e.g., a non-use) of a log entry can produce a set of smaller set of log entries. The claimed invention is not directed toward mere removal of storage information to produce a summary report. Instead, the claimed invention recites applying averaging functions to a chosen set of storage information to produce summary reports. More specifically, the claimed invention recites non-removal and use (not removal and elimination as in Gusler) of storage information related to sizes and ages to produce a size summary record and age summary record. Thus, Gusler teaches away from the claimed invention and the rejection is improper.

Note also that the claimed invention recites producing a size summary record and an age summary record. As its name suggests to one of ordinary skill in the art, "averaging" and application of averaging functions includes deriving a quantity that represents an arithmetic mean of sizes and ages. The claim recites producing the summary record based on application of the "averaging" functions. Neither Gusler nor any other cited reference teaches or suggests producing a size summary record or an age summary record via application of averaging functions. For this additional reason, Gusler does not render the claimed invention obvious.

Accordingly, Applicant respectfully requests allowance of claim 13-15 as well as claims 28-30.

Patentability of New claims 32-37

Support for new claim 32 can be found at page 5 (lines 29-31), page 9 (lines 25-29), page 10 (lines 7-11), page 16 (lines 3-5) and elsewhere throughout the specification. Support for this new claim 33 can be found at page 15 (lines 7-17), page 17 (line 30) to page 18 (line 5) and elsewhere throughout the specification. Support for new claims 34-37 can be found at page 5 line 11 to page 7 line 23, corresponding figures and elsewhere throughout the specification. Applicant respectfully submits that these claims further distinguish the claimed invention over the cited prior art. Thus, Applicant respectfully requests allowance of these claims as well.

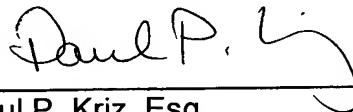
Conclusion

Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3735.

-27-

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,



Paul P. Kriz, Esq.
Attorney for Applicant(s)
Registration No.: 45,752
Chapin Intellectual Property Law, LLC
Westborough Office Park
1700 West Park Drive
Westborough, Massachusetts 01581
Telephone: (508) 616-9660
Facsimile: (508) 616-9661

Attorney Docket No.: EMC04-04(04029)

Dated: March 6, 2007